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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,097

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EXAMINER

MEYER, KATY E

ART UNIT

PAPER NUMBER

3618

MAIL DATE

DELIVERY MODE

03/02/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,097	Applicant(s) CARVAJAL, RICARD DELMUNS I.	
	Examiner Katy Meyer	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 – 7 have been cancelled.

Claims 8 – 20 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wren (US 3,251,607) alone.

Wren discloses an apparatus for controlling the connection and disconnection of a user's boot to a ski, comprising: a power source (170) located about the user, an electromagnetic device (160) located on the boot (150); a magnetic material (110) on an upper face of the ski; and a transmitter (172), operatively connected between the power source and the electromagnetic device, and being located about the user for the user to cause the transmitter to send a command signal to activate and deactivate said electromagnetic device, wherein the connection and disconnection of the boot relative to the snowboard or ski occurs by presence or absence, respectively, of electromagnetic forces between the electromagnetic devices as controlled by the transmitter (column 2, lines 26 – 31).

Wren does not explicitly disclose a ferromagnetic material on the upper face of the ski. However, it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to simply substitute a sheet of ferromagnetic material for the electromagnet (110) to simplify and reduce the cost of the binding apparatus.

Further, Wren teaches the use of a sheet of magnetically permeable material (see 360) in place of an electromagnet (Fig. 7). Additionally, Wren suggests that permanent magnets and electromagnets may be interchangeable (see column 3, lines 25 – 27).

With respect to lines 8 – 13, it is noted that the "wherein" clauses do not limit the claim to a particular structure and accordingly cannot serve to distinguish. Applicant has failed to define the structure which allows a specific boot movement on one type of gliding device and a different boot movement on another type of gliding device. The apparatus disclosed by Wren is capable of some heel movement and forward or backward movement by adjusting the strength of the magnetic fields using dials 172 and 122. Therefore, the apparatus disclosed by Wren is capable of functioning in the manner claimed by applicant.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs (US 2003/0094788) in view of Wren (US 3,251,607).

Jacobs discloses an apparatus for controlling the connection and disconnection of a user's boots from a snowboard. Said apparatus comprises a substantially planar magnetic device (58) in each boot and a substantially planar sheet of ferromagnetic material (24) on the upper face of the snowboard. The apparatus allows heel movement and forward and backward movement at rest or during use (see paragraph [0028], lines 8 – 12).

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Jacobs does not disclose an electromagnetic device in each boot. Wren discloses an apparatus for controlling the connection and disconnection of a user's boot to a ski, comprising: a power source (170) located about the user, an electromagnetic device (160) located on the boot (150); a magnetic material (110) on an upper face of the ski; and a transmitter (172), operatively connected between the power source and the electromagnetic device, and being located about the user for the user to cause the transmitter to send a command signal to activate and deactivate said electromagnetic device, wherein the connection and disconnection of the boot relative to the snowboard or ski occurs by presence or absence, respectively, of electromagnetic forces between the electromagnetic devices as controlled by the transmitter (column 2, lines 26 – 31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the magnet (58) taught by Jacobs with an electromagnetic device and transmitter to allow a user to selectively release his boots from the board when desired for a particular maneuver.

Claims 9 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wren (US 3,251,607) in view of D'Antonio et al. (US 4,291,894) and Chabiland (FR 2,630,340).

Wren meets all the limitations of the claimed invention, but does not disclose a rechargeable battery and battery charger, or the claimed transmitter.

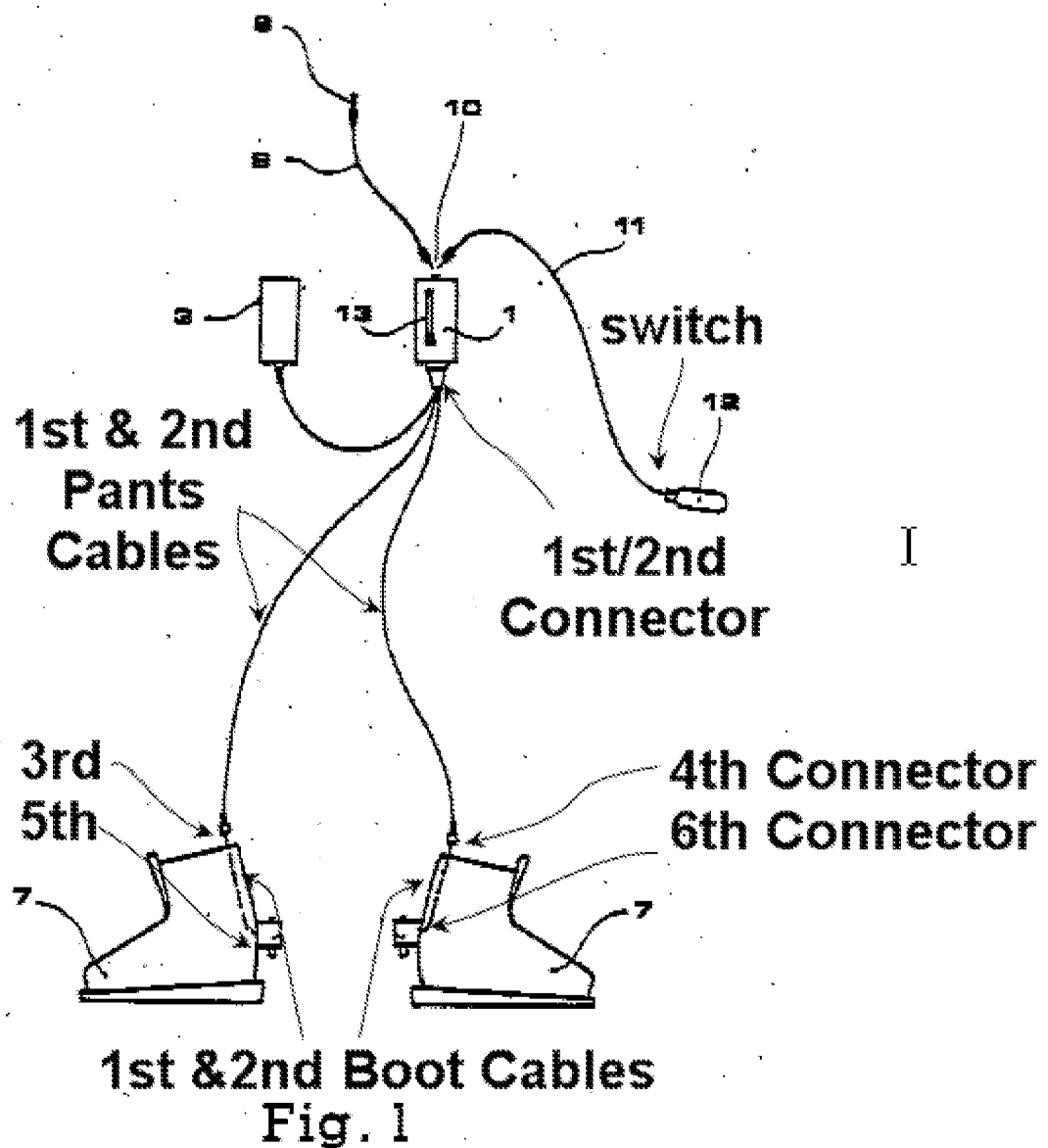
D'Antonio et al. disclose an apparatus for controlling the connection of a user's boot to a ski comprising a power source including a rechargeable battery (9) and a battery charger (11). It would have been obvious to one of ordinary skill in the art at the

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time the invention was made to replace the battery taught by Wren with the rechargeable battery taught by D'Antonio et al. to obviate the need for expensive replacement batteries and ensure that sufficient power is provided to the apparatus during use.

Chabiland discloses an apparatus for controlling the connection of a user's boots to a ski wherein the apparatus allows simultaneous and remote release (see Abstract). The apparatus comprises a battery (3), a switch, a cable located in each pant leg, a cable located in each boot, associated connectors, and electromagnetic devices (6) for controlling connection of the boots (see Figure below, a reproduction of Fig. 1 of Chabiland, with notations added).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the transmitter taught by Wren with the transmitter taught by Chabiland to allow a user to more easily activate the disconnection apparatus from a riding stance. It is noted that, while Chabiland does not appear to show a switch located on the belt of a user, it would have been obvious to one of ordinary skill in the

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art at the time the invention was made to store the switch in an easily accessible place, such as the belt, to free one's hands while riding.

Chabiland further discloses a voice recognition device (8, see Abstract); command transmission device (1); a receiver switch on the electromagnetic devices on the boots (see 6) to receive command signals. The command signal is controlled by a user's voice. It is noted that, while Chabiland does not appear to show a switch/transmitter located on the glove of a user, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the switch in an location which can be brought into close proximity with a user's mouth, to ensure proper recognition of the user's voice commands.

D'Antonio further discloses a solar battery charger (11).

Chabiland further discloses first and second boots and first and second skis.

Response to Arguments

Applicant's arguments with respect to claims 8 – 20 have been considered but are moot in view of the new ground(s) of rejection.

The indicated allowability of claims 9 – 20 is withdrawn in view of the newly discovered reference(s) to Wren, Chabiland, and D'Antonio. Rejections based on the newly cited reference(s) are above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katy Meyer whose telephone number is (571)272-5830. The examiner can normally be reached on Monday - Thursday, 8:00 am to 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. M./
Examiner, Art Unit 3618

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3616